

REMARKS

Status of the Claims

Pending claims

Claims 1 to 13, 27, 28, 32 to 37, and 39 to 43, are pending; claims 37 and 39 are withdrawn as being drawn to a non-elected invention; thus, claims 1 to 13, 27, 28, 32 to 36, and 40 to 43, are pending and under consideration.

Claims allowable

Applicants thank the Examiner for finding that claims 1 to 5, 8 to 11 and 13 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph (see page 12, “conclusion”, of the OA); and so clearly setting forth an allowable version of claim 27 (see page 8, of the OA). The instant amendment endeavors to adopt all of the Office’s suggestions to place the pending claims in condition for allowance.

Claims added and canceled in the instant amendment

Claims 44 and 45 are added, and claims 6 and 7, 12, 28 and 40 to 43, are canceled, without prejudice or disclaimer. Accordingly, after entry of the instant amendment, claims 1 to 5, 8 to 11, 13, 27, 32 to 37, 39, 44 and 45 will be pending.

Outstanding rejections

Claims 6, 12 and 28 are objected to under 37 C.F.R. 1.75. Claims 41 to 43 are rejected under 35 U.S.C. §112, first paragraph as a new matter rejection. Claims 27, 28, 32 to 36 and 40 to 43, are rejected under 35 U.S.C. §112, first paragraph, enablement requirement. Claims 1 to 13, and 32 to 36, are rejected under 35 U.S.C. §112, second paragraph. Claims 41 to 43 are rejected under 35 U.S.C. §102(b), for allegedly being anticipated by Boggio, et al. (1998) J. Exp. Med. 188(3):589-596, as set forth in detail in pages 9 to 10, of the OA. Claims 41 to 43 are rejected under 35 U.S.C. §102(b), for allegedly being anticipated by Geng, et al. (1998) Proc. Natl. Acad. Sci. USA 95:10055-10060, as set forth in detail in pages 11 to 12, of the OA.

Applicants respectfully traverse all outstanding objections and rejections of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims; see U.S. patent application publication no. 20030056231 (“the ‘231 publication”). Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Group Restriction Requirement and Election

The Office alleged that the pending claims of the application are directed to two separate and distinct inventions under 35 U.S.C. §121; and in response Applicants elected Group I, drawn to a transgenic mouse. Group II is drawn to methods for screening therapeutic agents for the prevention or treatment of neurological disease comprising administration of therapeutic interventions to a transgenic mouse of this invention.

After the elected product claims have been found to be allowable, all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. Applicants note that Group II encompasses withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims.

Claim Objections under 35 U.S.C. §1.75(c)

Claims 6, 12 and 28 were objected to for reasons set forth on pages 3 to 4, of the OA. The instant amendment addresses this issue; claims 6, 12 and 28 are canceled, without prejudice or disclaimer.

Issues Under 35 U.S.C. § 112, First Paragraph, written description

Claims 41 to 43 are rejected under 35 U.S.C. §112, first paragraph, written description requirement, for allegedly containing new matter, as set forth in detail in pages 4 to 6, of the OA.

The instant amendment addresses this issue; claims 41 to 43 are canceled, without prejudice or disclaimer.

Issues Under 35 U.S.C. § 112, First Paragraph, enablement

Claims 27, 28, 32 to 36 and 40 to 43, are rejected under 35 U.S.C. §112, first paragraph, enablement requirement, as set forth in detail in pages 6 to 7, of the OA.

The instant amendment addresses this issue; claims 28 and 40 to 43, are canceled, without prejudice or disclaimer. Claim 27 is amended as suggested by the Office, see page 8, of the OA (noting claims 32 to 36 are dependent on claim 27).s

Issues Under 35 U.S.C. § 112, Second Paragraph

Claims 1 to 13, and 32 to 36, are rejected under 35 U.S.C. §112, second paragraph, as set forth in detail in pages 8 to 9, of the OA. The instant amendment addresses this issue.

Issues Under 35 U.S.C. § 102(b)

Claims 41 to 43 are rejected under 35 U.S.C. §102(b), for allegedly being anticipated by Boggio, et al. (1998) J. Exp. Med. 188(3):589-596, as set forth in detail in pages 9 to 10, of the OA.

Claims 41 to 43 are rejected under 35 U.S.C. §102(b), for allegedly being anticipated by Geng, et al. (1998) Proc. Natl. Acad. Sci. USA 95:10055-10060, as set forth in detail in pages 11 to 12, of the OA.

The instant amendment addresses this issue; claims 41 to 43 are canceled, without prejudice or disclaimer.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the objections to the claims, and the rejections of the pending claims under 35 U.S.C. §102(b) and 35 U.S.C. §112, first and second paragraphs. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **220002065100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

As noted above, Applicants have endeavored to adopt all of the Office's suggestions to place the pending claims in condition for allowance; if any issues remain, Applicants respectfully request a telephone conference with the undersigned representative to expedite prosecution of this application.

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Respectfully submitted,

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